REMARKS/ARGUMENTS

The Applicant thanks the Examiner for the Office Action dated August 10, 2006.

Claim Rejections - 35 USC § 103

The Applicant contests the Examiner's assertion that the present invention is obvious in view of the combined teachings of Gugulski and Berstis.

Claim 1 has been amended to make it unambiguously clear that the same optical sensor of the sensing device senses both the first coded data (on the product item) and the second coded data (on a user identity card).

The Examiner makes reference to column 6, lines 5-10 of Berstis in support of his assertion that such a sensing device was already taught by the prior art.

At column 6, lines 5-10, Berstis describes a "computerized cash register equipped with a UPC scanner and customer ID recognition unit (reader) (which may be the same as the scanner) for accessing customer's discount/coupon information from a database".

Berstis envisages a number of ways in which "the scanner" can determine a customer ID and thereby access information from the database. Primarily, Berstis envisages the scanner as "an IR receiver unit **211**", affixed to customized shopping aid **209**, "which receives IR signal modulated with UPC codes of the products off the shelves **203**" (see column 9, lines 1-3 of Berstis).

However, Berstis clearly understands the need for a customer to identify himself to the IR receiver unit **211** (or "scanner"). For this reason, Berstis proposes an integrated IR receiver unit, which can read UPC codes via an optical sensor and read a customer ID card via a magnetic card reader. This is made clear at column 9, lines 12-17 of Berstis, which states:

> *The customer identifies himself to the IR receiver unit 211 attached to the shopping cart by sliding through his swipe card, which may be his credit card. The ID is used*

to access the database and determine which products the customer should be notified about (emphasis added).

Berstis therefore teaches a combined magnetic card reader/IR barcode reading device, rather than an IR sensor for reading both product codes and customer ID codes.

Berstis teaches only two methods of a customer entering a customer ID into his system. The first method is via a portable computer (see column 7, lines 56-62). The second method is via a magnetic swipe card (column 7, lines 63-67). However, Berstis does not propose anywhere having a customer ID in the form of an optically-readable code so as to minimize the complexity of his shopping cart. At best, Berstis teaches a combined device, which comprises an optical IR barcode reader and a magnetic card reader, thereby combining two functions in one scanner. However, Berstis fails to teach a sensing device having an optical sensor which senses both product codes and customer ID codes.

Hence, the Applicant maintains that the present invention is not merely a collocation of barcode and card readers as described by the prior art. Rather, it provides a simplified shopping receptacle having fewer components and more facile user interactivity compared to those described in the prior art. Accordingly, it is submitted that the present invention is not obvious in view of the combination of Gugulski and Berstis.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed. Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

Applicant/s:

Kia Silverbrook

Paul Lapstun

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762